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10/758,154

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Saul Le-Garcia Rodolfo

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EXAMINER

SPAHN, GAY

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

03/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notice of Allowability**

Application No.

10/758,154

Examiner

Gay Ann Spahn

Applicant(s)

RODOLOFO ET AL.

Art Unit

3635

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an "Amendment" filed 10 December 2007.
2. ☒ The allowed claim(s) is/are 1-8,11-13,15,16, 29, 30, and 32-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other ____.   |

## **EXAMINER'S AMENDMENT**

### ***Election/Restrictions***

The examiner notes that since independent claim 1 and independent claim 8, as amended in the "Amendment" filed 10 December 2007 and as further amended by the present Examiner's Amendment below, have now been found to be in condition for allowance, withdrawn claims 7 and 11 are being rejoined.

### ***Specification***

The examiner notes that the "Amendment to the Specification" section in the "Amendment" filed on 10 December 2007 did not correct the "Title of the Invention" in the correct manner as required by 37 CFR 1.121(b).

Therefore, the "Amendment to the Specification" section of the "Amendment" filed on 10 December 2007 has not been entered and the examiner is re-amending the "Title of the Invention" in the proper manner (i.e., by strikethrough for deletions and underlining for insertions) below.

### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven E. Koffs on 03 March 2008.

The application has been amended as follows:

**IN THE SPECIFICATION:**

Please amend the "Title of the Invention" on page 1, line 1, of the specification as follows:

~~HIDDEN VENTILATION~~ TRIM ACCESSORY HAVING VENTILATION  
APERTURES HIDDEN FROM VIEW WHEN MOUNTED ON BUILDING

**IN THE CLAIMS:**

Please amend claims 1, 4, 5, 7, 8, 11-13, 16, 32, and 33-35 and please cancel claims 17-21 and 31, as follows:

1 (Currently Amended). A trim accessory comprising:  
a soffit receiver component having first and second side walls and a first connecting wall;  
a siding accessory receiver component integral with said soffit receiver component and having first and second side walls and a connecting wall distinct from the side walls and connecting wall of the soffit receiver component,  
one of said side walls of the soffit receiver component or said side walls of the siding accessory receiver component having an attachment portion that is shaped and

positioned to be attached to a building, the attachment portion having attachment apertures, and

an additional channel portion of said trim accessory, connected between said soffit receiver component and said siding accessory receiver component, the additional channel portion having first and second side walls connected to each other by a connecting wall, the side walls and connecting wall of the additional channel portion distinct from said side walls and connecting wall of said soffit receiver component and distinct from said side walls and connecting wall of said siding accessory receiver component, so the soffit receiver component and said siding accessory receiver component are separated from each other by the additional channel portion, one of the side walls of the additional channel portion being connected to one of the side walls of the soffit receiver component, one of the side walls of the additional channel portion having a first plurality of vent apertures disposed therethrough, said vent apertures located in a separate plane from a plane in which the attachment apertures are located.

4 (Currently Amended). The trim accessory of claim 1, wherein the first side wall of said soffit receiver component includes an attachment portion, the second side wall of said soffit receiver component includes a bottom portion ~~and a connecting portion~~, and wherein the first side wall of said siding accessory receiver component includes a back edge portion, and the second side wall of said siding accessory receiver component includes a front portion ~~and a connecting portion~~.

5 (Currently Amended). The trim accessory of claim 4, wherein at least one of said bottom portion or said connecting portion wall of said soffit receiver component or said front portion or said connecting portion wall of said siding accessory receiver component includes an additional plurality of vent apertures.

7 (Currently Amended). The trim accessory of claim [[6]] 1, wherein a first end of said ~~vent component~~ additional channel portion is directly connected to said soffit receiver component and wherein a second end of said ~~vent component~~ additional channel portion is directly connected to said siding accessory receiver component.

8 (Currently Amended). A trim accessory comprising:  
a ~~three-sided~~ soffit receiver component including a first wall having an attachment ~~edge portion~~, a bottom ~~portion wall~~ and a connecting ~~portion wall~~, said ~~attachment edge portion~~ first wall, bottom ~~portion wall~~ and connecting ~~portion wall~~ defining a soffit receiving channel, and

a ~~three-sided~~ siding accessory receiver component integral with said soffit receiver component and having a back ~~edge portion wall~~, a front ~~portion wall~~ and a connecting ~~portion wall~~, said back ~~edge portion wall~~, front ~~portion wall~~ and connecting ~~portion wall~~ defining a siding accessory receiving channel, and

a ~~three-sided~~ vent component connected between said soffit receiver component and said siding accessory receiver component, the ~~three-sided~~ vent component having three walls distinct from the walls of said soffit receiver component and distinct from the

walls of said siding accessory receiver component, so the soffit receiver component and said siding accessory receiver component are separated from each other by the vent component, the ~~three-sided~~ vent component having a first plurality of vent apertures disposed therethrough, and

[[,]] wherein the connecting ~~portion~~ wall and front ~~portion~~ wall of the siding accessory receiver component ~~includes~~ include a second plurality of vent apertures.

11 (Currently Amended). The trim accessory of claim [[10]] 8, wherein a first end of said vent component is directly connected to said soffit receiver Component and wherein a second end of said vent component is directly connected to said siding accessory receiver component.

12 (Currently Amended). The trim accessory of claim [[10]] 8, further comprising an ornamental component located intermediate said soffit receiver component and siding accessory receiver component, separating the vent component from the siding accessory receiver ~~component~~ component.

13 (Currently Amended). A trim accessory comprising:  
a soffit receiver component having a first wall with an attachment ~~edge~~ portion, a bottom ~~portion~~ wall and a connecting ~~portion~~ wall, said ~~attachment edge portion~~ first wall, bottom ~~portion~~ wall and connecting ~~portion~~ wall defining a soffit receiving channel,

a siding accessory receiver component integral with said soffit receiver component and having a back ~~edge portion~~ wall, a front ~~portion~~ wall and a connecting ~~portion~~ wall, said back ~~edge portion~~ wall, front ~~portion~~ wall and connecting ~~portion~~ wall defining a siding accessory receiving channel,

a ~~multiple-sided~~ multiple-walled vent component connected to the soffit receiver component and located intermediate said soffit receiver component and said siding accessory receiver component, wherein said vent component includes vent apertures, said vent component contacting the soffit receiver component at a single connecting edge; and

a ~~multiple-sided~~ multiple-walled ornamental component distinct from the vent component and located intermediate said soffit receiver component and siding accessory receiver component, wherein said ornamental component has ~~[[a]]~~ only a first end directly connected to the vent component and ~~[[a]]~~ only a second end directly connected to the siding accessory receiver component, the second end opposite the first end.

16 (Currently Amended). A trim accessory comprising:

a soffit receiver component having a first wall with an attachment edge portion, a bottom ~~portion~~ wall and a connecting ~~portion~~ wall, said ~~attachment edge portion~~ first wall, bottom ~~portion~~ wall and connecting ~~portion~~ wall defining a soffit receiving channel, and



a vent component including first and second parallel ~~edges~~ walls and a connecting ~~edge~~ wall that connects the first and second parallel ~~edges~~ walls, the first parallel ~~edge~~ wall connected to the bottom ~~portion~~ wall of the soffit receiver component, the vent component having a first plurality of vent apertures ~~[[on]]~~ through one of the first and second parallel ~~edges~~ walls;

a cove molding or a crown molding directly connected to one of the first and second parallel ~~edge~~ walls of the vent component having the first plurality of vent apertures, with the first plurality of vent apertures facing a back surface of the cove molding or the crown molding;

a siding accessory receiver component directly connected to the cove molding or the crown molding, the siding accessory receiver component having a back ~~edge~~ portion wall, a front ~~portion~~ wall and a connecting ~~portion~~ wall, said back ~~edge-portion~~ wall, front ~~portion~~ wall and connecting ~~portion~~ wall defining a siding accessory receiving channel,

wherein at least one of said bottom ~~portion~~ wall or said connecting ~~portion~~ wall of said soffit receiver component or said front ~~portion~~ wall or said connecting ~~portion~~ wall of said siding accessory receiver component includes a second plurality of vent apertures,

wherein the trim accessory is a one-piece plastic post-formed extruded article.

31 (Canceled).

32 (Currently Amended). The trim accessory of claim 5, wherein the additional plurality of vent apertures are located in two different planes separate from the respective planes in which the attachment apertures and first plurality of vent apertures are located.

Claim 33 (Currently Amended). A trim accessory, comprising:

a soffit receiving channel having three walls, and located at a first end of the trim accessory;

a siding accessory receiving channel having three walls distinct from the walls of the soffit receiving channel, the siding accessory receiving channel located at a second end of the trim accessory opposite the first end;

a crown molding or a cove molding directly connected to said siding accessory receiver channel;

a vent channel having three walls distinct from the walls of the soffit receiving channel and distinct from the walls of the siding accessory receiving channel, the vent channel having a first plurality of vent apertures [[on]] through one of the walls thereof, the vent channel connected between the soffit receiving channel and the crown molding or the cove molding, the vent channel connected to one of the walls of the soffit receiving channel by a first bend and to the crown molding or the cove molding by a second bend;

wherein the soffit receiving channel, the siding accessory receiving channel, the crown molding or the cove molding, and the vent channel are formed from a single piece of material.

34 (Currently Amended). The trim accessory of claim 33, wherein the first plurality of vent apertures of the vent channel are located in one of the walls thereof that is directly connected to the crown molding or the cove molding.

35 (Currently Amended). The trim accessory of claim 33, wherein the siding accessory receiver channel includes a second plurality of vent apertures in one of the walls thereof that is directly connected to the crown molding or the cove molding.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent documents cited of interest as showing various configurations of trim accessories include: U.S. Patent No. 3,047,112 to Tvorik et al.; U.S. Patent No. 5,274,978 to Perkonigg et al. (see Fig. 2); U.S. Patent No. 6,360,508 to Pelfrey et al. (see Fig. 7); U.S. Patent No. 6,553,732 to Shaw (see Fig. 3A); U.S. Design Patent No. Des. 432,671 to Grosfillex; U.S. Patent No. 4,122,643 to Hafner (see Fig. 1 and Fig. 5); U.S. Design Patent No. Des. 361,138 to Moore et al.; U.S. Design Patent No. Des. 316,299 to Hurlburt; U.S. Design Patent Nos. D454,962 and D447,820 both to Grace; U.S. Design Patent No. D481,804 to Pelfrey; U.S. Patent No. 5,531,050 to

Stibolt et al.; U.S. Patent No. 5,551,201 to Anderson (see Fig. 9); U.S. Patent No. 6,631,595 to Minter (see Fig. 6); U.S. Patent No. 5,927,041 to Sedlmeier et al.; U.S. Patent No. 6,854,397 to Terajima et al. (see Fig. 3); U.S. Patent No. 7,137,224 to Rasmussen et al.; U.S. Patent No. 2,546,894 to Hodo (see Figs. 1 and 2); U.S. Patent Application Publication No. 2006/0213142 to Albracht (see Fig. 12); U.S. Patent No. 6,708,457 to Ballough (see Fig. 5); U.S. Patent No. 6,945,517 to Augur (see Fig. 2A); U.S. Patent No. 4,189,885 to Fritz; U.S. Patent No. 5,950,385 to Herren (see Fig. 3); U.S. Patent No. 5,560,170 to Ganser et al. (see Fig. 8); U.S. Patent No. 5,664,376 to Wilson et al. (see Fig. 3); U.S. Patent No. 5,517,794 to Wagner (see Fig. 9); U.S. Patent No. 5,974,748 to Sciuga et al.; U.S. Patent No. 6,003,357 to Brown (see Fig. 6); U.S. Patent Application Publication No. 2002/0088189 and U.S. Patent No. 6,679,010 both to Honda (see Figs. 2 and 4); U.S. Patent No. 3,144,881 to Sproull (see Fig. 8); U.S. Patent No. 1,676,582 to Stuart; U.S. Design Patent No. D60,733 to Murnane; U.S. Patent No. 4,347,691 and U.S. Design Patent No. Des. 273,047 both to Lloyd-Jones; U.S. Patent No. 6,341,458 to Burt; U.S. Design Patent No. Des. 238,898 to Landis; U.S. Patent No. 7,200,970 to Koenig, Jr. et al.; U.S. Patent Application Publication No. 2005/0193671 to Brochu et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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March 3, 2008